

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PRUDENTIAL FINANCIAL, INC.,

Plaintiff,

v.

Civil Action No. 04-5465 (KSH)

CARCO GROUP, INC.,

Defendant.

ORDER

KATHARINE S. HAYDEN, U.S.D.J.

THIS MATTER having been brought to the Court's attention pursuant to cross motions for summary judgment; the Court having considered the written submissions by the parties, and for good cause shown and for the reasons more fully set forth in the opinion of this Court,

IT IS on this day of June, 2006, hereby

ORDERED that Prudential's motion for summary judgment (document #21) is **granted** as to the claims of contractual indemnity (count 1) and breach of contract (count 3), and **denied** as to the claim of common law indemnity (count 2); and Carco's motion for summary judgment (document #18) is **denied**; **it is further**

ORDERED that Carco's counterclaims are **dismissed**. This case is closed.

/s/ Katharine S. Hayden

KATHARINE S. HAYDEN, U.S.D.J.